

**Environmental
Protection Agency**

U.S. Coast Guard

**Department of
Agriculture**

**Department of
Commerce**

Department of Defense

Department of Energy

**Department of Health
and Human Services**

**Department of the
Interior**

Department of Justice

Department of Labor

Department of State

**Department of
Transportation**

**Department of
the Treasury**

**Federal Emergency
Management Agency**

**General Services
Administration**

**Nuclear Regulatory
Commission**

State of New Jersey

State of New York

**TO: CAPT Michael Day
On-Scene Coordinator
US Coast Guard, Sector New York**

**RE: Concurrence for the Use of CIAGENT Solidifier at the Con Edison Farragut
Station Transformer #3 Oil Spill in Brooklyn, NY**

This letter documents the concurrence of US EPA Region II and the New York State representatives of the Region II Regional Response Team (RRT), in consultation with the natural resource trustees for the Departments of Commerce and Interior, for the use of the NCP-listed product "CIAGENT" in the collection of oil from the Con Edison Farragut Station Transformer #3 Oil Spill in Brooklyn, NY. This concurrence applies specifically to the use of CIAGENT in boom and/or pillow form; and not in its loose powder form. Furthermore, all deployed CIAGENT booms and pillows must be collected and disposed of in accordance with all applicable federal, state and local regulations.

Subpart J of the National Oil and Hazardous Substances Contingency Plan (NCP) provides that the pertinent Regional Response Team (RRT) representatives, including the EPA, DOC, DOI, and the affected State may authorize the use of chemical countermeasures for oil spill response. This decision implements Subpart J of the NCP and provides for the limited use of solidifiers (specifically CIAGENT), as listed on the EPA product schedule, on the oil discharge at the B17001 Dielectric Fluid Site. This authorization does not apply to use in any other area. The incident-specific Region 2 RRT members agree that solidifiers may offer enhanced response capability to collect the oil sheen impacting the surface waters of the East River.

Solidification of oil as an oil spill countermeasure was evaluated by the Region 2 RRT for use on this site due to the potential for solidifiers to:

- Add to the increased effectiveness of the response;
- The fact that currently listed solidifier is not a significant concern from a toxicological point of view; and
- The solidifier does not sink once it reacts with oil.

Specific solidifier formulations have been shown to be effective on all types of oil. Mixing the product with the oil is more difficult with viscous oils, therefore, solidifiers are generally considered to be more effective with lighter oil types. Currently listed solidifiers in general have very low if any acute aquatic toxicity, primarily because they are insoluble in water. However, other concerns have been raised, including:

- Toxicity associated with ingestion of unreacted product;
- Ingestion and fouling hazard of treated oil or partially treated oil that is not contained or escapes containment;
- How treated oil would interact with sensitive habitats such as wetlands; and
- Whether treated oil will be more persistent in the environment and tend to weather and sink over long periods of time.

Due to the fact that the solidifier identified for use under this authorization is not toxic, does not sink, is essentially inert to organisms, and renders the toxic components of reacted petroleum bio-unavailable to organisms that may ingest them, no special resource restrictions for their use have been identified at this time. As long as the product is applied as directed in boom and/or pillow form; and not in its loose powder form and fully recovered from the environment, no significant adverse environmental impacts from the use of the solidifier are expected. The use as allowed under this decision will create no more risk than the use of commonly used sorbent materials which are not regulated.

This concurrence is renewable annually, and may be cancelled immediately at the request of either EPA or the State of New York.

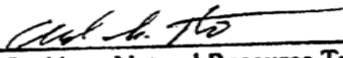

Eric Mosher, RRT Co-Chair
US EPA Region II

05/16/17
Date

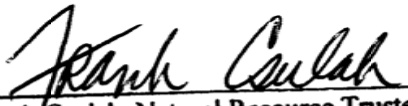

James Quinn, NYS RRT Representative
Department of Environmental Conservation

05/16/17
Date

In consultation with:


Andrew Raddant, Natural Resource Trustee
Department of the Interior

5/16/17
Date


Frank Csulak, Natural Resource Trustee
Department of Commerce/NOAA

5/16/17
Date